

REMARKS

This paper is filed in response to the Notice of Non-Compliant Amendment mailed May 8, 2009, and Office Action mailed January 28, 2008. Claims 1 to 68 remain cancelled, as reflected by the status identifiers on page 2 of this paper. Claims 69 to 87 are pending and under consideration.

Regarding the Amendments

The amendment to the claims is supported throughout the specification. In particular, the amendment to recite a "vinylpyrrolidone-vinyl acetate copolymer" polymeric processing aid is supported, for example, by originally filed claims 17, 22 and 23. Accordingly, as the amendment to the claims is supported by the specification no new matter has been added and entry thereof is respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. §§102(b) and 103(a)

The rejection of claims 69 to 71, 73 to 78, 80 and 81 under 35 U.S.C. §102(b) as allegedly anticipated by Cummings (U.S. Patent No. 5,369,100) is respectfully traversed. The grounds for rejection are set forth at page 2 of the Office Action.

Claims 69 to 71, 73 to 78, 80 and 81, as amended, are not anticipated by Cummings. In particular, for example, Cummings fail to teach or suggest an insecticidal pellet with acephate and a vinylpyrrolidone-vinyl acetate copolymer polymeric processing aid. Consequently, as Cummings fail to teach or suggest each an every element of claims 69 to 71, 73 to 78, 80 and 81, the rejection under 35 U.S.C. §102(b) over Cummings (U.S. Patent No. 5,369,100) must be withdrawn.

The rejection of claims 69, 72 to 76 and 79 to 82 under 35 U.S.C. §102(b) as allegedly anticipated by Chan *et al.* (WO 91/11104) is respectfully traversed. The grounds for rejection are set forth at page 2 of the Office Action.

Claims 69, 72 to 76 and 79 to 82, as amended, are not anticipated by Chan *et al.* In particular, for example, Chan *et al.* fail to teach or suggest an insecticidal pellet with acephate and a vinylpyrrolidone-vinyl acetate copolymer polymeric processing aid. Consequently, as Chan *et al.* fail to teach or suggest each an every element of claims 69, 72 to 76 and 79 to 82, the rejection under 35 U.S.C. §102(b) over Chan *et al.* (WO 91/11104) must be withdrawn.

The rejection of claims 69, 74 to 76 and 81 under 35 U.S.C. §102(b) as allegedly anticipated by, or in the alternative under 35 U.S.C. §103(a) as allegedly obvious over Misselbrook *et al.* (U.S. Patent No. 5,160,530) is respectfully traversed. The grounds for rejection are set forth at page 3 of the Office Action.

Claims 69, 74 to 76 and 81, as amended, are not anticipated by Misselbrook *et al.* In particular, for example, Misselbrook *et al.* fail to teach or suggest an insecticidal pellet with acephate and a vinylpyrrolidone-vinyl acetate copolymer polymeric processing aid. Consequently, as Misselbrook *et al.* fail to teach or suggest each an every element of claims 69, 74 to 76 and 81 the rejections under 35 U.S.C. §102(b) and §103(a) over Misselbrook *et al.* (U.S. Patent No. 5,160,530) must be withdrawn.

The rejection of claims 69 to 71, 73 to 78, 80 and 81 under 35 U.S.C. §102(b) as allegedly anticipated by, or in the alternative under 35 U.S.C. §103(a) as allegedly obvious over Chan *et al.* (U.S. Patent No. 5,464,623) is respectfully traversed. The grounds for rejection are set forth at page 3 of the Office Action.

Claims 69 to 71, 73 to 78, 80 and 81, as amended, are not anticipated by Chan *et al.* In particular, for example, Chan *et al.* fail to teach or suggest an insecticidal pellet with acephate and a vinylpyrrolidone-vinyl acetate copolymer polymeric processing aid. Consequently, as Chan *et al.* fail to teach or suggest each an every element of claims 69 to 71, 73 to 78, 80 and 81 the rejections under 35 U.S.C. §102(b) and §103(a) over Chan *et al.* (U.S. Patent No. 5,464,623) must be withdrawn.

The rejection of claims 69 to 82 under 35 U.S.C. §102(b) as allegedly anticipated by, or in the alternative under 35 U.S.C. §103(a) as allegedly obvious over Yamada *et al.* (U.S. Patent No. 5,488,043) is respectfully traversed. The grounds for rejection are set forth at page 3 of the Office Action.

Claims 69 to 82, as amended, are not anticipated by Yamada *et al.* In particular, for example, Yamada *et al.* fail to teach or suggest an insecticidal pellet with acephate and a vinylpyrrolidone-vinyl acetate copolymer polymeric processing aid. Consequently, as Yamada *et al.* fail to teach or suggest each an every element of claims 69 to 82 the rejections under 35 U.S.C. §102(b) and §103(a) over Yamada *et al.* (U.S. Patent No. 5,488,043) must be withdrawn.

CONCLUSION

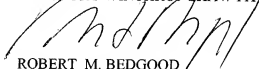
In summary, for the reasons set forth herein, Applicants maintain that claims clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 509-4065.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



ROBERT M. BEDGOOD
Reg. No. 43488
Tel. No. 858.509.4065
Fax No. 858 509.4010

Date: June 3, 2009
12255 El Camino Real
Suite 300
San Diego, CA 92130-4088
(619) 234-5000